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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 APRIL MARIE WENTZ,

11 Plaintiff,

12 v.

13 NANCY A BERRYHILL, Acting
14 Commissioner of Social Security,

15 Defendant.

CASE NO. 2:17-CV-01089-DWC

ORDER DENYING MOTION TO
APPOINT COUNSEL

16 Plaintiff April Marie Wentz, proceeding *pro se* and *in forma pauperis*, filed this action
17 pursuant to 42 U.S.C. § 405(g). *See* Dkt. 1, 2, 3. Currently pending in this action is Plaintiff's
18 Application for Court-Appointed Counsel. Dkt. 4.

19 In "exceptional circumstances," a district court may appoint counsel for indigent civil
20 litigants pursuant to 28 U.S.C. § 1915(e)(1) (formerly 28 U.S.C. § 1915(d)). *Terrell v. Brewer*,
21 935 F.2d 1015, 1017 (9th Cir. 1991); *Rand v. Roland*, 113 F.3d 1520, 1525 (9th Cir. 1997),
22 *overruled on other grounds*, 154 F.3d 952 (9th Cir. 1998); *see* 28 U.S.C. § 1915(e)(1). To decide
23 whether exceptional circumstances exist, the Court must evaluate both "the likelihood of success
24 on the merits [and] the ability of the [plaintiff] to articulate [her] claims *pro se* in light of the

1 complexity of the legal issues involved.” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.
2 1986) (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)). A plaintiff must plead
3 facts showing she has an insufficient grasp of her case or the legal issues involved and an
4 inadequate ability to articulate the factual basis of her claims. *Agyeman v. Corrections Corp. of*
5 *America*, 390 F.3d 1101, 1103 (9th Cir. 2004).

6 Here, Plaintiff submitted an Application for Court-Appointed Counsel form indicating
7 she has contacted at least thirty attorneys regarding this case after her non-attorney representative
8 was released. Dkt. 4. Plaintiff states no attorneys want to take her case because of mistakes and
9 time-sensitive deadlines. *Id.* She provides no reasons explaining why she needs court-appointed
10 counsel. *Id.* The Court notes this case does not involve complex facts or law, and Plaintiff has
11 not shown an inability to articulate the factual basis of her claims in a fashion understandable to
12 the Court. *See* Dkt. 3. In fact, Plaintiff submitted a 48 page Complaint, which contains argument
13 regarding the alleged errors committed by the Social Security Administration and Plaintiff’s
14 medical records. *See id.* Plaintiff has also not shown she is likely to succeed on the merits of her
15 case.

16 As Plaintiff has not shown exceptional circumstances exist in this case, Plaintiff’s
17 Application for Court-Appointed Counsel is denied without prejudice.

18 Dated this 1st day of August, 2017.

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21 David W. Christel
22 United States Magistrate Judge
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